IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPLICATION NO.12 OF 2001

Messrs Ami Gems ..Applicant
Vs.
The Commissioner of Income Tax ..Respondent

Mr.A.K.Jasani for the Applicant.
Mr.B.M.Chatterjee with Mrs.P.P.Bhosale for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.
DATE : 26TH JUNE, 2007

P.C.

1. Heard the learned Counsel for the parties. In the above Application, the following substantial question of law is sought to be raised:

> i) Whether in the facts and circumstances of the case, and in law, the Hon'ble Tribunal erred in holding that reassortment charges are to be excluded from the computation for the purpose of arriving at the relief available under section 80HHC of the Income Tax Act,1961?

2. By consent of both the parties, the above Application is treated as a statement of case for the Assessment Year 1988-89. Both the learned Counsel for the parties fairly state that the above question of law is squarely covered in favour of the Assessee and against the Revenue, in view of the judgment of the Hon'ble Supreme Court in the case of **P.R.Prabhakar Vs. Commissioner of Income Tax (2006) 284 ITR 548 SC**. In view thereof, the question is answered in favour of the Assessee and against the Revenue. Accordingly, the Reference stands disposed of.

(V.C.DAGA,J.) **(DR.S.RADHAKRISHNAN,J.)**